

Review process for permits to take water

Each year, the demand on Ontario's supply of fresh, clean water rises with an ever-growing population and a flourishing industrial and recreational base. And each year, the Ministry of the Environment receives a multitude of requests to tap into Ontario's ground and surface water – for purposes ranging from a long list of private uses to municipalities needing drinking water and industry needing water for cooling and processing purposes.

The Ministry of the Environment, proclaimed guardian of Ontario's ground and surface water supply by authority of the Ontario Water Resources Act (OWRA), manages a water-taking permit program for the province which spells out in detail regulations under which this precious natural resource may be used and by whom.

Water for all

It's a duty the ministry takes seriously. It administers this important program through its five regional offices, ensuring a fair division of safe water for all while keeping a close eye on efficient usage and conservation practices.

To this end, ministry staff critically review all permit and renewal applications, measuring them against a host of requirements. It's only when these requirements are met, publicly scrutinized and found acceptable that a permit may be issued, although terms or conditions on usage can be attached and must be strictly followed.

Review process

So what is the review process and what are the requirements that are used in determining an application for a permit to take water (PTTW)?

Under Section 34 of the OWRA, any water-taking from a well, lake, stream or storage pond that is in excess of 50,000 litres per day requires a permit. That means an application must be made, and must be supported by information such as hydrogeological reports that may be needed by the ministry.

There are exceptions, including water for emergency fire fighting, water for livestock or poultry, and water for domestic use (home gardens and lawns).

Even Ontario's municipalities (half of all municipal water supplies in the province are from groundwater sources) must adhere to OWRA rules. They must apply to the ministry for a PTTW to supply their water treatment facilities and they face strict limits on how much water they may draw from a source. Decisions on permit applications can be appealed to the Environmental Appeal Board.

Permits

Many applications for permits, for a wide variety of purposes, are received by the ministry. In the past, water-takings permitted by the PTTW process have been authorized for uses such as crop irrigation, drinking water supply, cooling and process water for industry, golf course watering, and fish farming. Of course, these uses have to be balanced against our overriding goal – the protection of the natural functions of our aquatic ecosystems.

Identifying the source

The ministry looks closely at where water is to be taken from.

If it's from a groundwater source (beneath the surface), a hydrogeological report is normally needed. This provides the results of a pump test on the well water to ensure that the amount to be taken is sustainable in the long term, will not interfere with adjacent properties, and will have no detrimental effect on the ecosystem.

If the water is to be taken from a surface source (lake/stream/pond) the applicant must provide information such as available stream flow, use of the stream by other people for water, and the potential impact of the water-taking on other water uses.

The ministry views these applications according to a fair-share concept, taking into account how they will affect others along the watercourse.

Environmental Bill of Rights

Permit applications must be posted on the Environmental Bill of Rights (EBR) environmental registry for a 30-day public comment period. Comments received – in support or in opposition to proposed takings – are noted and considered by the ministry in each decision.

There are some exemptions from EBR posting, however, such as agricultural irrigation of crops, most municipal takings and those sought for a specific reason for less than a year.

You can view all postings on the environmental registry at the ministry's Web site at www.ene.gov.on.ca/envision/ebr.

Expiry dates

Some water-takings, such as for pressure testing of pipelines, are for a short duration. But the vast majority of permits issued have expiry dates, some lasting between five and 10 years.

As is the case for new applications, permit holders seeking renewals must provide the required information, and convince the ministry that their continued use of the water will not detrimentally affect the environment or interfere with the needs of other users.

Conditions

Most PTTWs carry conditions that require the holder to perform certain monitoring functions and/or maintain a record of water use that the ministry can view upon request.

For surface water takings, the permit holder may be limited to a percentage of available stream flow. Again, the ministry has the ability to impose special conditions to address issues unique to the individual application.

Should a decision on a permit be disputed, Ontario residents may appeal under the EBR and present arguments for overturning a ruling.

Great Lakes Charter and out-of-basin transfer

The Ontario government continues to take a leadership role in, and be committed to, conserving and protecting provincial water resources. Management of Great Lakes water resources has always been a special concern for American states and Canadian provinces in the Great Lakes-St. Lawrence, Nelson and Hudson Bay basins. As partners who have signed the Great Lakes Charter (a document outlining water management principles for these bodies of water) these governments have a shared duty to protect, conserve and manage this valuable resource for their citizens.

In Ontario, this declaration is underscored in OWRA regulation 285 which ensures large volumes of water cannot be taken from a water basin. Ontario was the first province to file a conservation-based regulation to prevent the transfer of water out of major water basins, including the Great Lakes. The regulation prohibits water transfers outside a basin in containers with a capacity greater than 20 litres.

Additionally, the regulation empowers a ministry director to halt or limit water takings if there is serious interference with any public or private interest, and/or in the event of a drought or severe water shortage in a region.

Balancing the need

Drought doesn't happen often. But when water shortages do occur, restrictions may be imposed – again to ensure a fair share of water for everyone in the affected area. At this stage, the ministry will consult with other relevant government agencies, including the Ministry of Natural Resources, the Ministry of Agriculture, Food and Rural Affairs, and the federal government. This is done to address any concerns these agencies may have before issuing an order to reduce water usage.

With more than 1.3 million rural residents obtaining their water supplies from groundwater sources, difficulties can occur from time to time with private wells. If they do experience a water shortage, well owners should first check their own wells and pumping equipment to ensure that the problem is not a failure of their systems.

(See the fact sheet *Private Water Well Owners - Dealing with Water Shortages* available from the Ministry of Agriculture, Food and Rural Affairs (<http://www.gov.on.ca:80/OMAFRA/english/engineer/facts/99-025.htm>).

But if the shortage is found to be a result of a lowering of the water table due to a water-taking in the vicinity, the well owner may contact the local Ministry of the Environment office. An officer will investigate, and appropriate steps will be taken.

Similarly, should the problem be a surface water concern (reduced stream flow or lake level) attributable to a specific water-taking, the local ministry office should be contacted.

Penalties

Those contravening the OWRA or its regulations may find themselves subject to penalties set out in the Act. Examples of contraventions are:

- taking more than 50,000 litres of water a day without a permit
- failing to comply with a director's notice to stop taking water
- failing to comply with the terms and conditions of a permit.

Penalties can range from cancellation of a permit, to a \$305 Provincial Offences ticket, and ultimately to court prosecution with fines upon conviction of up to \$20,000 for a first offence and \$200,000 for a subsequent conviction.

For further information, contact your local Ministry of the Environment office.

For information about other Ministry of the Environment initiatives, please contact:

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